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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,077	12/10/1999	NARIAKI SHIMOE	2038-230	8402

7590

03/15/2002

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EXAMINER

KIDWELL, MICHELLE M

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 03/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/458,077

Applicant(s)

SHIMOE ET AL.

Examiner

Michele Kidwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tapered side walls must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "19" and "21" have both been used to designate bottoms. Correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

- Reference character "19" has been used to designate both second grooves and bottoms.
- Reference character "18" has been used to designate both first grooves and a groove.
- Reference character "24" has been used to designate both release paper and the inner surface of an undergarment.

Correction is required.

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The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Reference character "26" has not been mentioned in the specification. Correction is required.

Specification

The amendment filed 8/29/01 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the applicant claims that the depth of at least one of the grooves gradually decreases from the longitudinally middle point of the respective line toward the longitudinally opposite ends thereof and that at least one of the side regions of the core has a thickness gradually decreasing toward the respective transversely opposite side of the core. These limitations are not supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

The substitute specification filed 8/29/01 has not been entered because it does not conform to 37 CFR 1.125(b) because: the statement as to a lack of new matter under 37 CFR 1.125(b) is missing and a clean copy of the substitute specification has not been supplied (in addition to the marked-up copy).

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The disclosure is objected to because of the following informalities: some parts of the disclosure appear to be a literal translation into English from a foreign document and are replete with grammatical errors (i.e. page 2, first paragraph and the first two lines of the abstract.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 6 – 7, 9 and 22 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Congleton et al. (US 5,817,271).

With respect to claim 6, Congleton et al. (hereinafter "Congleton") discloses an absorbent article comprising a liquid-permeable topsheet (col. 14, line 66 to col. 15, line 53) and a liquid-absorbent core (col. 17, lines 17 – 65) having an upper surface covered

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by the topsheet and a lower surface (col. 3, lines 4 – 7), said core further having indented regions arranged along two lines extending longitudinally along transversely opposite sides of the core, the lines spaced apart from each other by a distance gradually increasing from a minimum at a longitudinally middle point thereof to a maximum at longitudinally opposite ends thereof, the indented regions longitudinally dividing the core into a central region confined between the indented regions and two side regions each located between one of the indented regions and the respective one of the transversely opposite sides of the core (figure 3C) wherein the core contains a fibrous component (col. 17, lines 17 – 26) and a density of the fibrous component in the indented regions is equal to or lower than in the central and side regions as set forth in col. 1, line 65 to col. 2, line 24.

As to claim 7, Congleton discloses an article wherein the indented regions extend continuously along the lines as set forth in figure 3C.

Regarding claim 9, Congleton discloses an article wherein a rigidity of the core in the indented regions is not higher than in the central and side regions as set forth in col. 1, line 65 to col. 2, line 67.

With reference to claim 22, see col. 1, line 65 to col. 2, line 67

As to claim 23, see col. 14, lines 11 – 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 10 – 21, rejected under 35 U.S.C. 103(a) as being unpatentable over Congleton et al. (US 5,817,271).

With respect to claims 8, 10 – 11 and 13 – 21, the applicant has failed to provide any unexpected results associated with the claimed limitations. Congleton discloses an absorbent article that provides an identical structure to the claimed invention. The incorporation of such limitations requiring discontinuous lines vs. continuous lines and their arrangement, among other things, would not allow the claimed invention to function any differently from the invention of Congleton. Likewise, it would have been obvious to one of ordinary skill in the art to experiment with the indented regions of Congleton in order to comprise the desired product based on the intended use and objective since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum configuration would only require routine skill in the art.

As to claim 12, see figure 2A.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 703-305-2941. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.

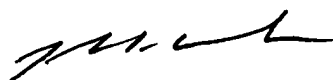
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Michele Kidwell

Michele Kidwell
March 12, 2002



John G. Weiss
Supervisory Patent Examiner
Group 3700